

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE FACEBOOK, INC. IPO SECURITIES
AND DERIVATIVE LITIGATION

WILLIAM COLE, Derivatively on Behalf of
FACEBOOK, INC.,

Plaintiff,

v.

MARK ZUCKERBERG, DAVID A.
EBERSMAN, SHERYL K. SANDBERG,
DAVID M. SPILLANE, PETER A. THIEL,
JAMES W. BREYER, MARC L.
ANDREESSEN, DONALD E. GRAHAM,
REED HASTINGS, ERSKINE B. BOWLES,
and DOES 1-25, Inclusive,

Defendants,

-and-

FACEBOOK, INC., a Delaware corporation,

Nominal Defendant.

MDL No. 12-2389

This Document Relates To:

No. 1:12-cv-07549-RWS

NOTICE OF APPEAL

Notice is hereby given that plaintiff William Cole in the above-captioned action hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment entered on April 22, 2014 (Dkt. 219), granting defendants' motion to dismiss for the reasons stated in the Court's February 12, 2013 Opinion and Order (Dkt. 66), and the April 17, 2014 Stipulation and Order (Dkt. 220).

Date: May 9, 2014

Respectfully submitted,

ROBBINS ARROYO LLP
BRIAN J. ROBBINS
FELIPE J. ARROYO
SHANE P. SANDERS
GINA STASSI

/s/ Shane P. Sanders

SHANE P. SANDERS
600 B Street, Suite 1900
San Diego, CA 92101
Telephone: (619) 525-3990
Facsimile: (619) 525-3991

THOMAS G. AMON
LAW OFFICES OF THOMAS G. AMON
250 West 57th Street, Suite 1316
New York, NY 10107
Telephone: (212) 810-2430
Facsimile: (212) 810-2427

Attorneys for Plaintiff William Cole

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 9, 2014.

/s/ Shane P. Sanders
SHANE P. SANDERS

Mailing Information for a Case 1:12-md-02389-RWS**Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

- **Arthur N. Abbey**
aabey@abbeyspanier.com
- **David P. Abel**
dabel@motleyrice.com,kweil@motleyrice.com,aratliff@motleyrice.com
- **Raj Vasant Abhyanker**
raj@rajpatent.com
- **Jeffrey Simon Abraham**
jabraham@aftlaw.com
- **Robert Ahdoot**
rahdoot@ahdootwolfson.com
- **Mario Alba , Jr**
malba@grdlaw.com,e_file_ny@grdlaw.com,e_file_sd@grdlaw.com,drosenfeld@grdlaw.com
- **Naumon A. Amjed**
namjed@ktmc.com,mswift@ktmc.com
- **Thomas G. Amon**
tamon@amonlaw.com
- **Felipe J. Arroyo**
notice@robbinsarroyo.com,farroyo@robbinsarroyo.com
- **Kwasi Abraham Asiedu**
asiedu@outlook.com
- **Daniel E. Bacine**
dbacine@barrack.com,mbonatara@barrack.com
- **James Vary Bashian**
jbashian@bashianlaw.com
- **James Francis Basile**
jbasile@kirkland.com
- **Stephen R. Basser**
sbasser@barrack.com
- **Eric James Belfi**
ebelfi@labaton.com,ElectronicCaseFiling@labaton.com
- **Richard D. Bernstein**
rbernstein@willkie.com,maosdny@willkie.com,maodcl@willkie.com
- **Brant Warren Bishop**
bbishop@kirkland.com,bella.more@kirkland.com,kenymanagingclerk@kirkland.com,erin.johnston@kirkland.com,nate.kritzer@kirkland.com
- **Jeffrey Craig Block**
jeff@blockesq.com,jason@blockesq.com
- **Darryl M. Bloodworth**
dbloodworth@deanmead.com
- **Peter E. Borkon**
peterb@hbsslaw.com
- **Andre G. Bouchard**
abouchard@bmf-law.com
- **Anne L. Box**
abox@scott-scott.com
- **Willie Charles Briscoe**
wbriscoe@thebriscoelawfirm.com
- **Gustavo Fabian Bruckner**
gfBruckner@pomlaw.com
- **Timothy P. Burke**
timothy.burke@bingham.com,jason.pinney@bingham.com,nicole.burhoe@bingham.com
- **Warren T. Burns**
wburns@susmangodfrey.com,eehrenfeld@susmangodfrey.com

- **Jeffrey Philip Campisi**
jcampisi@kaplanfox.com
- **Robert N Cappucci**
rcappucci@entwistle-law.com,jpalazzolo@entwistle-law.com
- **Vincent Roger Cappucci**
vcappucci@entwistle-law.com,mmezzina@entwistle-law.com,ncasey@entwistle-law.com,mgayle@entwistle-law.com
- **Daniel H. Charest**
dcharest@susmangodfrey.com,rlicon@susmangodfrey.com
- **Darren J. Check**
dcheck@ktmc.com
- **Deborah Clark-Weintraub**
dweintraub@scott-scott.com
- **Andrew Brian Clubok**
aclubok@kirkland.com,bella.more@kirkland.com,kenymanagingclerk@kirkland.com,SFarley@kirkland.com,nancy.pittman@kirkland.com
- **Todd S. Collins**
tcollins@bm.net,dgovanetti@bm.net,nmara@bm.net
- **Jordan Abraham Cortez**
jcortez@entwistle-law.com,scasey@entwistle-law.com
- **Todd G. Cosenza**
tcosenza@willkie.com,maosdny@willkie.com
- **Patrick Vincent Dahlstrom**
pdahlstrom@pomlaw.com
- **Kevin H. Davenport**
khdavenport@prickett.com
- **Timothy Alan DeLange**
timothyd@blbglaw.com,denab@blbglaw.com,sara.muller@blbglaw.com,kayem@blbglaw.com,jessica.cuccurullo@blbglaw.com
- **Elizabeth L. Deeley**
edeely@kirkland.com
- **Andrew Ditchfield**
andrew.ditchfield@davispolk.com,lauren.howard@davispolk.com,george.turner@davispolk.com,bryan.mcardle@davispolk.com
- **Thomas A. Dubbs**
tdubbs@labaton.com,lgottlieb@labaton.com,kschramm@labaton.com
- **Charles S. Duggan**
charles.duggan@dpw.com,ecf.ct.papers@dpw.com
- **Lawrence P. Eagel**
eagel@bespc.com
- **Patrick Thomas Egan**
pegan@bermandevalerio.com,ecf@bermandevalerio.com
- **Gregory M. Egleston**
egleston@gme-law.com
- **Susan Elisabeth Engel**
seengel@kirkland.com,ksturek@kirkland.com,jascio@kirkland.com
- **Andrew J Entwistle**
aentwistle@entwistle-law.com,ncasey@entwistle-law.com,rdixon@entwistle-law.com,abroche@entwistle-law.com,mgayle@entwistle-law.com
- **Joel C. Feffer**
jcfffeffer@hfsq.com
- **Paul A. Fioravanti , Jr**
pafioravanti@prickett.com,lasadler@prickett.com
- **George M Fleming**
george_fleming@fleming-law.com
- **Frederic Scott Fox , Sr**
ffox@kaplanfox.com
- **Jack Gerald Fruchter**
jfruchter@aftlaw.com
- **Lionel Z. Glancy**
lglancy@glancylaw.com,mmgoldberg@glancylaw.com,csadler@glancylaw.com,pbinkow@glancylaw.com,info@glancylaw.com,rprongay@glancylaw.com
- **Michael M. Goldberg**
mmgoldberg@glancylaw.com

- **Andrew R. Goldenberg**
goldenberg@ssnyc.com,reichman@ssnyc.com
- **Salvatore Jo Graziano**
SGraziano@blbglaw.com
- **Francis M Gregorek**
gregorek@whafh.com
- **Richard E Griffin**
rgriffin@jw.com
- **Deborah R Gross**
debbie@bernardmgross.com
- **Marc Ian Gross**
migross@pomlaw.com
- **Joseph Peter Guglielmo**
jguglielmo@scott-scott.com,sfein@scott-scott.com,edewan@scott-scott.com,fcrockett@scott-scott.com,efile@scott-scott.com,aslaughter@scott-scott.com
- **Donald R. Hall , Jr**
dhall@kaplanfox.com
- **Bridget Veronica Hamill**
bhamill@murrayfrank.com
- **Sean M. Handler**
shandler@ktmc.com,namjed@ktmc.com,bde groot@ktmc.com,ecf_filings@ktmc.com
- **Michael Hanrahan**
mhanrahan@prickett.com
- **Robert I. Harwood**
rharwood@hfesq.com
- **Kuscha Hatami Fard**
kuscha@legalforcelaw.com
- **James M. Hughes**
jhughes@motleyrice.com,erichards@motleyrice.com,kweil@motleyrice.com
- **Fred Taylor Isquith**
fisquith@lshllp.com
- **Frank J. Johnson , Jr**
frankj@johnsonandweaver.com,paralegal@johnsonandweaver.com,shawnf@johnsonandweaver.com
- **James W. Johnson**
jjohnson@labaton.com, settlementquestions@labaton.com, lmehringer@labaton.com, electroniccasefiling@labaton.com
- **Nancy Kaboolian**
nkaboolian@abbeyspanier.com
- **Robert N. Kaplan**
rkaplan@kaplanfox.com
- **Stephen J Kastenberg**
kastenberg@ballardspahr.com
- **Rebecca M Katz**
rkatz@motleyrice.com,disaacson@motleyrice.com,lkorenblit@motleyrice.com
- **Christopher J. Keller**
ckeller@labaton.com
- **David Kessler**
dkessler@ktmc.com,snirmul@ktmc.com,dpotts@ktmc.com,acashwell@ktmc.com
- **Sue Jin Kim**
skim@initiativelegal.com
- **Bradley Keith King**
bkng@ahdootwolfson.com
- **Jeffrey Alan Klafter**
jak@klafterolsen.com
- **Samantha Harper Knox**
samantha.knox@davispolk.com
- **Mark Labaton**
mlabaton@motleyrice.com
- **Kevin Sylvan Landau**
klandau@tcllaw.com

- **Paul Lantieri , III**
lantierip@BALLARDSPAHR.COM
- **Leigh R. Lasky**
lasky@laskyrifkind.com
- **Seth Richard Lesser**
SLesser@klafterolsen.com,Giselle.Quinones@klafterolsen.com,slesser@pacernotice.com,sehlesser@aol.com,Nancy.Velasquez@klafterolsen.com
- **Jason Mathew Leviton**
jason@blockesq.com
- **Jeremy Alan Lieberman**
jalieberman@pomlaw.com,lpvega@pomlaw.com
- **Gregory Bradley Linkh**
glinkh@glancylaw.com
- **Christopher Lovell**
clovell@lshllp.com,lshscanner@lshllp.com
- **Jordan L. Lurie**
JLurie@InitiativeLegal.com
- **Rosemary Farrales Luzon**
rluzon@sfmsslaw.com
- **Timothy John MacFall**
tjm@rigrodskylong.com,em@rigrodskylong.com,pa@rigrodskylong.com,bdl@rigrodskylong.com,gms@rigrodskylong.com,ag@rigrodskylong.com,sdr@rigrodskylong
- **Theodore Walter Maya**
tmaya@ahdootwolfson.com
- **Pamela A. Mayer**
pmayer@kaplanfox.com
- **Catherine McCaw**
catherine.mccaw@blbglaw.com
- **Thomas James McKenna**
gmelawny@gmail.com,tjmlaw2001@yahoo.com
- **Michael Glenn McLellan**
mmclellan@finkelsteinthompson.com
- **Azra Zahoor Mehdi**
azram@themehdfirm.com
- **Domenico George Minerva**
dminerva@forthepeople.com
- **Tariq Mundiya**
maosdny@willkie.com,tmundiya@willkie.com
- **Brian Philip Murray**
bmurray@glancylaw.com
- **Danielle Suzanne Myers**
dmyers@rgrdlaw.com
- **Gregory Mark Nespole**
nespole@whafh.com
- **Sharan Nirmul**
snirmul@ktmc.com,dpotts@ktmc.com,dmaytorena@ktmc.com,jmaterese@ktmc.com,mswift@ktmc.com,jneumann@ktmc.com
- **William Stephen Norton**
bnorton@motleyrice.com,dabel@motleyrice.com,mkimpson@motleyrice.com,kweil@motleyrice.com
- **Terrell Wallace Oxford**
toxford@susmangodfrey.com,kswecker@susmangodfrey.com
- **Margaret Osborne Padilla**
padillam@ballardspahr.com
- **Constantinos G. Panagopoulos**
cgp@ballardspahr.com
- **Christopher S. Polaszek**
cpolaszek@forthepeople.com
- **Neal Alan Potischman**
Neal.Potischman@dpw.com
- **Robert Vincent Prongay**
rprongay@glancylaw.com,echang@glancylaw.com

- **Daniella Quitt**
dquitt@hfesq.com
- **Joseph F. Rice**
jrice@motleyrice.com
- **Rachele R Rickert**
rickert@whafh.com
- **Seth David Rigrodsky**
sdr@rigrodskylong.com,bdl@rigrodskylong.com,tjm@rigrodskylong.com,nrw@rigrodskylong.com,mar@rigrodskylong.com,gs@rigrodskylong.com,sjf@rigrodskylong.com
- **Douglas Matthew Risen**
drisen@bm.net,kwalker@bm.net,gelliott@bm.net
- **John James Rizio-Hamilton**
johnr@blbglaw.com,larry@blbglaw.com,erik.andrieux@blbglaw.com,Matthew.Mahady@blbglaw.com
- **Brian James Robbins**
notice@robbinsarroyo.com,
- **Darren J. Robbins**
e_file_sd@rgrdlaw.com
- **Michael A. Rose**
ss@hachroselaw.com
- **Mark Robert Rosen**
mrosen@barrack.com,rbranch@barrack.com
- **Samuel Kenneth Rosen**
srosen@hfesq.com
- **David Avi Rosenfeld**
drosenfeld@rgrdlaw.com,e_file_ny@rgrdlaw.com,e_file_sd@rgrdlaw.com
- **James P. Rouhandeh**
james.rouhandeh@dpw.com,ecf.ct.papers@davispolk.com
- **Samuel Howard Rudman**
srudman@rgrdlaw.com,e_file_ny@rgrdlaw.com,mblasy@rgrdlaw.com,e_file_sd@rgrdlaw.com
- **Casey Edwards Sadler**
csadler@glancylaw.com
- **Peter George Safirstein**
psafirstein@forthepeople.com,emetcalf@forthepeople.com,dsclafani@forthepeople.com
- **Jay Paul Saltzman**
jay@saltzmanlawny.com,jay@spornlaw.com
- **Shane Palmesano Sanders**
ssanders@robbinsarroyo.com,notice@robbinsarroyo.com
- **Richard J. Schager , Jr**
schager@ssnyc.com
- **Frank Rocco Schirripa**
fs@hachroselaw.com,ss@hachroselaw.com
- **David R. Scott**
david.scott@scott-scott.com,efile@scott-scott.com
- **Christopher Adam Seeger**
cseeger@seegerweiss.com,dmora@seegerweiss.com,dbuchanan@seegerweiss.com,cfajardo@seegerweiss.com,acapron@seegerweiss.com,SWecf@seegrweiss.com
- **Jonathan Shub**
jshub@seegerweiss.com,lgriffith@seegerweiss.com,klaukaitis@seegerweiss.com
- **Gerald H. Silk**
jerry@blbglaw.com,matthew.mahady@blbglaw.com,errol.hall@blbglaw.com,ross@blbglaw.com
- **Jonathan Robert Simon**
jonathan@theorlandofamilyfirm.com
- **Steven B. Singer**
steven@blbglaw.com,errol.hall@blbglaw.com
- **William A. Slaughter**
slaughter@ballardspahr.com
- **Andrew Joseph Sokolowski**
asokolowski@initiativelegal.com
- **Jeffrey H. Squire**
squire@bragarwexler.com

- **Jared Bennett Stamell**
stamell@ssnyc.com
- **Victor E. Stewart**
victornj@ix.netcom.com
- **Michael Walter Stocker**
mstocker@labaton.com,electroniccasefiling@labaton.com
- **Arun Srinivas Subramanian**
asubramanian@susmangodfrey.com,mbruns@susmangodfrey.com
- **Stefanie Jill Sundel**
stefanie.sundel@blbglaw.com
- **Robin B. Switzenbaum**
rswitzenbaum@bm.net
- **Douglas G. Thompson**
dthompson@finkelsteinthompson.com
- **Curtis Victor Trinko**
ctrinko@gmail.com
- **Susan W. Waesco**
swaesco@mnat.com
- **Samuel M. Ward**
sward@barrack.com
- **Samuel M. Ward**
sward@barrack.com
- **Robert B. Weintraub**
weintraub@whafh.com
- **Robert B. Weiser**
rw@weiserlawfirm.com
- **Adam Henry Wierzbowski**
adam@blbglaw.com,ellen@blbglaw.com,garyw@blbglaw.com
- **Tina Wolfson**
twolfson@ahdootwolfson.com
- **Bryan Andrew Wood**
bwood@bermandevalerio.com
- **Shiyong Ye**
sye@reidwise.com,shaun_ye@yahoo.com
- **Jacob H. Zamansky**
jake@zamansky.com,eglenn@zamansky.com,august@zamansky.com,ecf@zamansky.com,samuel@zamansky.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Lorrain Chin

,

Glen DeValerio
Berman DeValerio
One Liberty Square
Boston, MA 02109

Gregory E. Del Gaizo
Robbins Umeda, LLP
600 B Street
Suite 1900
San Diego, CA 92101

Scott D. Egleston
Law Offices of Scott D. Egleston
12000 Biscayne Boulevard
Suite 220
North Miami Beach, FL 33181

David Elliot
Johnson & Weaver LLP
110 West "A" Street, Suite 750
San Diego, CA 92101

Jon Charles Furgison
Law Offices of Jon Furgison
444 Longfellow
Hermosa Beach, CA 90254

John Gregory

Reed **R. Kathrein**
Hagens Berman Sobol Shapiro LLP
715 Hearst Avenue
Suite 202
Berkeley, CA 94710

Troy **Robin King**
King & Nix, LLC
7020 Fain Park Drive, Suite 1
Montgomery, AL 36117

Joy **A. Kruse**
Lieff Cabraser Heimann & Bernstein, LLP(SF)
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339

Lindsay **Michelle Kwoka**
Morris, Nichols, Arsh & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

William **M. Lafferty**
Morris, Nichols, Arsh & Tunnell
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

Elizabeth **S. Metcalf**
Milberg LLP (NYC)
One Pennsylvania Plaza
New York, NY 10119

Ann **Miller**
Donovan, Miller, L.L.C.
1608 Walnut Street
Suite 1400
Philadelphia, PA 19103

Patrick **Hugh Moran**
Wolf Haldenstein Adler Freeman and Herz LLP
750 B Street Ste 2770
San Diego, CA 92101

Kurt **Olsen**
2121 K Street, N.W.
Washington, DC 20037

Patrick **W Powers**
POWERS TAYLOR LLP
8150 North Central Expressway, Suite 1575
Dallas, TX 75206

Joseph **M Profy**
The Weisler Law Firm, P.C.
121 N. Wayne Avenue, Suite 100
Wayne, PA 19087

Beth **T. Seltzer**
Barrack, Rodos & Bacine
2001 Market Street
Suite 3300
Philadelphia, PA 19103

Marc **A. Topaz**
Schiffrin & Barroway, L.L.P.
280 King of Prussia Road
Radnor, PA 19087

David **C. Walton**
Robbins Geller Rudman & Dowd LLP (SANDIEGO)
655 West Broadway
Suite 1900
San Diego, CA 92101